

## The Honorable Benjamin H. Settle

UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

V.

DARRYL LEE WRIGHT, and  
KAREN WRIGHT (AKA KAREN BEVENS),  
Defendants.

NO. CR14-5539BHS

MOTION IN LIMINE REGARDING  
UNDERCOVER VIDEO INTERVIEW OF  
DARRYL WRIGHT

Comes now the United States, by and through the undersigned Assistant United States Attorneys, and files this Motion In Limine to allow the jury to see an undercover video of Darryl Wright made while the scheme was under way. The United States submits that the video may be shown for non-hearsay purposes, and that the video is also a co-conspirator's statement.

## Background

The United States has filed a trial brief that covers the facts in this case. This Motion pertains to a 90-minute video of Darryl Wright being interviewed by undercover agents from the Washington State Patrol. They used the pretext that they were investigating possible identity theft. The interview focused both on who might be a suspect, and who simply might have information about the incident. The officers

1 explained that the information was written in a woman's handwriting and was found  
2 during a search in an unrelated case.

3 **Argument**

4 The video will show that Darryl Wright has no cognitive disabilities whatsoever.  
5 He was able to follow the questions by the undercover officers, and showed no difficulty  
6 in tracking, responding, understanding, talking, or in reasoning. The video further  
7 demonstrates that Darryl Wright has no short-term or long-term memory issues.

8 The video is not offered for the truth of the statements Darryl Wright makes in  
9 response to the questions. Indeed, the relevance of what Darryl Wright says is found in  
10 what he fails to state, which is not hearsay.

11 Finally, there is an argument that the video is a co-conspirator's admission. For 90  
12 minutes of inquiries about who might have access to his identity, through his house or  
13 otherwise, Darryl Wright never mentions his caregiver, that he has a caregiver, or that his  
14 sister has access to his house. There are two reasonable inferences from this glaring  
15 omission. First, that Karen Wright is not present at the house to be relevant to the  
16 inquiry, and second, that Darryl Wright conceals Karen Wright because he does not want  
17 officers from the Washington State Patrol interviewing her.

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1 To begin any analysis on this Motion, the court will have to view at least part of  
2 the video. Accordingly, the United States will provide the court with a disc of the video  
3 at the pretrial conference.

4 DATED this 20th day of March, 2016.

5 Respectfully submitted,

6 ANNETTE L. HAYES  
7 United States Attorney

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**CERTIFICATE OF SERVICE**

I hereby certify that on March 20, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the attorney of record for the defendant.

s/Jennifer Shauberger  
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